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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT PAPER NUMBER

2136

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,203

Applicant(s)

KLEIN, JOHN RAYMOND

Examiner

Pramila Parthasarathy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 16 - 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 22 - 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/18/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to remarks filed on 22, August 2005. Applicant has amended claims 1, 4 – 6, 8, 9, 11, 12, 14, 15, 22, 23, 26 and 28 – 31. Applicant has added new claims 32 – 34. Therefore, presently pending claims are 1 – 15 and 22 – 34.

Information Disclosure Statement

2. An initialed information disclosure statement (IDS) submitted on 06/18/2001 is attached to this office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 – 15 and 22 – 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The amended independent Claims 1 and 15 read, “...a plurality of computer profiles for connection to at least one of the wireless networks, ...a network identifier corresponding to a different wireless network ...”, Claim 11 reads, “...creating a plurality of network profiles ...”, Claim 14 reads, “...connect to a plurality of wireless wireless networks ...”, Claim 22 reads, “...storing a plurality of network profile ... with a different available wireless network”, “and new Claim 32 reads, “...storing a plurality of network profiles...wherein each of the plurality of network profiles ...”.

With respect to “a plurality of computer profiles for connection to at least one of the wireless networks, ...a network identifier corresponding to a different wireless network”, although the specification discloses “creating a computer profile corresponding to a network having an identifier, using the computer profile to cause the computer to recognize the network and creating a communication link between the computer and the network” (see instant application summary and Page 3 lines 3 – 11), the specification does not disclose “a plurality of computer profiles for connection to at least one of the wireless networks, ...a network identifier corresponding to a different wireless network”. Applicant amendment does not clarify the steps of “a plurality of computer profiles for connection to at least one of the wireless networks, ...a network identifier corresponding to a different wireless network”.

With respect to “creating a plurality of network profiles”, although the specification discloses “The method includes creating a computer profile...”, “Variable network parameters ... may be used to create the computer profile...” and “Once profile that define a communications link between a remote unit and a WLAN are established, they

are stored...” (see instant application Summary; Page 2 lines 27 – Page 3 line 11), specification does not indicate how to “creating a plurality of network profiles”. Applicant amendment does not clarify the steps of “creating a plurality of network profiles”.

With respect to “connect to a plurality of wireless networks”, the specification discloses “creating a computer profile corresponding to a network having an identifier, using the computer profile to cause the computer to recognize the network and creating a communication link between the computer and the network” (see instant application summary and Page 3 lines 3 – 11), the specification does not disclose “connect to a plurality of wireless networks”. Applicant amendment does not clarify the steps of “connect to a plurality of wireless networks”.

With respect to “storing a plurality of network profile ... with a different available wireless network”, the specification discloses “creating a computer profile corresponding to a network having an identifier, using the computer profile to cause the computer to recognize the network and creating a communication link between the computer and the network” and “Once profile that define a communications link between a remote unit and a WLAN are established, they are stored...” (see instant application Summary; Page 2 lines 27 – Page 3 line 11), the specification does not disclose “storing a plurality of network profile ... with a different available wireless network”. Applicant amendment does not clarify the steps of “storing a plurality of network profile ... with a different available wireless network”.

With respect to "...storing a plurality of network profiles...wherein each of the plurality of network profiles ...", the specification discloses "creating a computer profile corresponding to a network having an identifier, using the computer profile to cause the computer to recognize the network and creating a communication link between the computer and the network" and "Once profile that define a communications link between a remote unit and a WLAN are established, they are stored..." (see instant application Summary; Page 2 lines 27 – Page 3 line 11), the specification does not disclose "...storing a plurality of network profiles...wherein each of the plurality of network profiles ...". Applicant amendment does not clarify the steps of "...storing a plurality of network profiles...wherein each of the plurality of network profiles ...".

The dependent claims 2 – 10, 12, 13, 23 – 31, 33 and 34 are rejected at least by virtue of their dependency on the dependent claims.

Response to Arguments

4. Applicant's arguments filed 8/22/2005 have been fully considered but they are not persuasive.

Flanagin et al. (U.S. Patent Number 6,128,661) teaches a method for providing flexible communication between a WLAN (Desktop computer) and a computer (mobile device), wherein a connection method is selected from a plurality of connection

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methods depending on a set of settings that is stored on the computer referenced to the stored identifier for the mobile device. Interaction between the computer and the mobile device is controlled as a function of the stored set of settings if corresponding identifiers are found.

Regarding currently amended claim 22, Applicant argues that Flanagan does not teach, "storing a plurality of network profiles to allow connections to one or more available wireless networks" and "network profiles each of which is associated with a different available wireless network". These arguments are not found persuasive. Flanagan discloses "storing a plurality of network profiles to allow connections to one or more available wireless networks" and "network profiles each of which is associated with a different available wireless network" (Column 3 line 1 – Column 4 line 18 and Column 6 lines 12 – 39).

Flanagan teaches that the mobile device connects to the computer using one of a plurality communication links using one of unique settings for each unique connection (profile), where each such profile is stored in both the computer and mobile device. Flanagan furthermore teaches that the computer may operate in a wireless networked environment using logic connections to one or more remote computer (server, router, network PC or other network node).

Regarding currently amended claim 1, Applicant argues that Flanagan does not teach, "creating a plurality of computer profiles for connections to at least one or more of the wireless networks, where each of the plurality of computer profiles includes a

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network identifier corresponding to a different wireless network". This argument is not found persuasive. Flanagan discloses "creating a plurality of computer profiles for connections to at least one or more of the wireless networks, where each of the plurality of computer profiles includes a network identifier corresponding to a different wireless network" (Column 3 line 1 – Column 4 line 18 and Column 6 lines 12 – 39).

Flanagan teaches that the mobile device connects to the computer using one of a plurality communication links using one of unique settings for each unique connection (profile), where each such profile is stored in both the computer and mobile device. Flanagan furthermore teaches that the computer may operate in a wireless networked environment using logic connections to one or more remote computer (server, router, network PC or other network node) wherein computer profiles are stored in the mobile device to have many partnerships with different computer profile includes a unique settings for different uses (Column 7 line 57 – Column 8 line 3).

Regarding currently amended claim 11, Applicant argues that Flanagan does not teach, "prompting the user to enter profile information associated with multiple wireless networks". This argument is not found persuasive. Flanagan discloses, "prompting the user to enter profile information associated with multiple wireless networks" (Column 3 line 1 – Column 4 line 18 and Column 6 lines 12 – 39).

Flanagan teaches that the mobile device connects to the computer using one of a plurality communication links using one of unique settings for each unique connection (profile), where each such profile is stored in both the computer and mobile device.

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Flanagin furthermore teaches that the computer may operate in a wireless networked environment using logic connections to one or more remote computer (server, router, network PC or other network node) wherein the user may enter commands and information and that the mobile device has user input mechanisms could be included such as a keypad, a trackball, and various miniaturized keyboards and (Column 5 lines 64 – Column 6 line 11 and Column 7 line 57 – Column 8 line 3).

Regarding currently amended claim 14, Applicant argues that Flanagin does not teach, “plurality of wireless networks”. This argument is not found persuasive. Flanagin discloses “plurality of wireless networks” (Column 3 line 1 – Column 4 line 18 and Column 6 lines 12 – 39).

Flanagin teaches that the mobile device connects to the computer using one of a plurality communication links using one of unique settings for each unique connection (profile), where each such profile is stored in both the computer and mobile device. Flanagin furthermore teaches that the computer may operate in a wireless networked environment using logic connections to one or more remote computer (server, router, network PC or other network node) wherein computer profiles are stored in the mobile device to have many partnerships (plurality of wireless networks) with different computer profile includes a unique settings for different uses (Column 7 line 57 – Column 8 line 3).

Therefore, the examiner respectfully asserts that the cited prior art does teach or suggest the amended subject matter "creating a plurality of computer profiles for connections to at least one or more of the wireless networks, where each of the plurality of computer profiles includes a network identifier corresponding to a different wireless network", "prompting the user to enter profile information associated with multiple wireless networks", "plurality of wireless networks", "storing a plurality of network profiles to allow connections to one or more available wireless networks" and "network profiles each of which is associated with a different available wireless network", broadly recited in the amended independent claims 1, 11, 14 and 22. The dependent claims 2 – 10, 12, 13 and 23 – 31 are rejected at least by virtue of their dependency on the dependent claims and by other reason set forth in this office action.

Accordingly, the rejection for the pending claims 1 – 15 and 22 – 31 is respectfully maintained.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1 – 3, 5 – 15, 22 – 24 and 26 – 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Flanagin et al. (U.S. Patent 6,128,661).

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6. Regarding Claim 1, Flanagan teaches and describes

creating a plurality of computer profiles for connection to at least one of the wireless networks, wherein each of the plurality of computer profiles includes a network identifier corresponding to a different wireless network (Summary; Column 3 lines 1 – 38, Column 4 lines 1 – 64 and Column 7 lines 57 – Column 8 line 4);

using at least one of the plurality of computer profiles to cause the computer to recognize at least one of the wireless networks (Summary and Column 3 lines 1 – 38); and

creating the wireless communication link between the computer and the at least one of the wireless networks (Summary and Column 3 lines 1 – 38).

7. Regarding Claim 11, Flanagan teaches and describes

prompting a user to enter profile information associated with multiple wireless networks (Summary and Column 3 lines 1 – 38);

receiving the profile information to create the plurality of network profiles (Summary and Column 3 lines 1 – 38); and

creating the plurality of network profiles to allow a connection with one or more wireless networks available of said multiple wireless networks (Summary and Column 3 lines 1 – 38 and lines 44 – 65).

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8. Regarding Claim 14, Flanagan teaches and describes

storing data representative of each network (Summary and Column 3 lines 1 – 38 and lines 44 – 65);

acquiring signals from each network of the plurality of wireless networks (Summary and Column 3 lines 1 – 38); and

enabling a user to select a particular network from the plurality of wireless networks (Summary and Column 3 lines 1 – 38).

9. Regarding Claim 15, Flanagan teaches and describes

create a plurality of profiles for connection to at least one of one or more wireless networks, wherein each of the plurality of computer profiles includes a network identifier corresponding to a different wireless network (Summary; Column 3 lines 1 – 38, Column 4 lines 1 – 64 and Column 7 lines 57 – Column 8 line 4);

use at least one of the plurality of computer profiles to cause the adapter to recognize the at least one of the wireless networks (Summary and Column 3 lines 1 – 38); and

recognize the at least one of the wireless networks and create the wireless communication link between the computer and the at least one of the wireless networks (Summary and Column 3 lines 1 – 38).

10. Regarding Claim 22, Flanagan teaches and describes

storing a plurality of network profiles to allow connections to one or more wireless networks available to the processor-based system, wherein each of the plurality of network profiles is associated with a different available wireless network (Summary and Column 3 lines 1 – 38);

selecting at least one of the plurality of network profiles based on at least one of the wireless networks available to the processor-based system (Summary and Column 3 lines 1 – 38); and

establishing a communication link between the processor based system and at least one of the wireless networks available to the processor-based system based on the selected network profile (Summary and Column 3 lines 1 – 38).

11. Regarding Claim 32, Flanagan teaches and describes

storing a plurality of network profiles in a processor-based system to allow connections to one or more wireless networks available to the processor-based system, wherein each of the plurality of network profiles is associated with a given wireless network (Summary and Column 3 lines 1 – 38);

determining one or more of the wireless networks that are available to the processor-based system for connection based on at least one of the plurality of network profiles (Summary and Column 3 lines 1 – 38); and

automatically establishing a wireless connection between the processor-based system and the at least one of the available wireless networks (Summary; Column 3 lines 1 – 38 and Column 9 line 61 – Column 10 line 15).

12. Claims 2 and 23 are rejected as applied above in rejecting claims 1 and 22. Furthermore, Flanagan teaches and describes using variable network parameters encryption key status, frequency, and power requirements to create the computer profile (Column 4 lines 25 – 46).

13. Claims 3 and 24 are rejected as applied above in rejecting claims 1 and 22. Furthermore, Flanagan teaches and describes the software is integrated into the operating system of the computer (Column 4 lines 25 – 46; Column 5 lines 23 – 50 and Column 6 lines 42 – 51).

14. Claims 5 and 26 are rejected as applied above in rejecting claims 1 and 22. Furthermore, Flanagan teaches and describes programming the computer to contain said plurality of network profiles to enable communications with one or more of the plurality of wireless networks (Column 6 lines 12 – 46).

15. Claims 7 and 33 are rejected as applied above in rejecting claims 1 and 32. Furthermore, Flanagan teaches and describes associating each computer profile with a

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wireless network based on a priority value until there is a successful association or a list of profiles is exhausted (Column 9 lines 16 – 40).

16. Claim 12 is rejected as applied above in rejecting claim 11. Furthermore, Flanagan teaches and describes wherein the profile includes an Extended Service Set Identifier corresponding to a particular wireless network (Summary; Column 3 lines 1 – 38, Column 4 lines 1 – 64 and Column 7 lines 57 – Column 8 line 4).

17. Claim 13 is rejected as applied above in rejecting claim 11. Furthermore, Flanagan teaches and describes providing the user with multiple graphical user interface (GUI) style screens, wherein the screens allow the user to enter variable network parameters such as encryption key status, frequency, and power requirements (Column 9 lines 16 – 50).

18. Claim 34 is rejected as applied above in rejecting claim 11. Furthermore, Flanagan teaches and describes providing the user with multiple graphical user interface (GUI) style screens, storing the plurality of network profiles for later retrieval; and retrieving a particular network profile of the plurality of network profiles for configuring the computer to connect to a particular wireless network available for wireless communications (Column 3 lines 1 – 38 and Column 9 line 16 – Column 10 line 15).

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19. Claim 27 is rejected as applied above in rejecting claim 22. Furthermore, Flanagan teaches and describes selecting the at least one of the plurality network profiles based on a priority scheme (Column 9 line 61 – Column 10 line 31).

20. Claim 29 is rejected as applied above in rejecting claim 22. Furthermore, Flanagan teaches and describes incrementing a counter associated with a selected network profile each time that profile is matched to a network of said one or more wireless networks (Column 9 line 61 – Column 10 line 8).

21. Claim 6 is rejected as applied above in rejecting claim 5. Furthermore, Flanagan teaches and describes creating an additional profile; and
associating said additional computer profile to the one or more of the wireless networks (Column 9 lines 41 – 67).

22. Claim 8 is rejected as applied above in rejecting claim 7. Furthermore, Flanagan teaches and describes incrementing a counter associated with a selected computer profile each time that computer profile is matched to a network of said one or more wireless networks (Column 9 lines 41 – 67).

23. Claims 9 and 30 are rejected as applied above in rejecting claims 7 and 29. Furthermore, Flanagan teaches and describes utilizing the counter value to prioritize

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subsequent associations of the plurality of computer profiles and the network (Column 9 lines 29 – 65).

24. Claim 10 is rejected as applied above in rejecting claim 7. Furthermore, Flanagan teaches and describes storing the name of a selected profile for use by other programs (Column 9 line 61 – Column 10 line 24).

25. Claim 28 is rejected as applied above in rejecting claim 27. Furthermore, Flanagan teaches and describes wherein selecting the at least one network profile based on a communication of one of plurality of wireless networks associated with the selected network profile each time that profile is matched to one or more of the wireless networks (Column 9 line 61 – Column 10 line 31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claims 4 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan et al. (U.S. Patent 6,128,661, hereafter "Flan") in view of Leon (U.S. Patent Number 6,680,923, hereafter "Leon").

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27. Claims 4 and 25 are rejected as applied above in rejecting claims 1 and 22. Flan teaches and describes the data passing over the communication link between the computer and the at least one of the wireless networks and discloses initial formation of the partnership between the computer and the network using a "Local" connection to control access to information and hence provide some security (Flan Column 4 lines 25 – 64), Flan does not explicitly disclose encrypting the data passing over the communication link between the computer and the at least one of the network. However, Leon discloses a method for establishing communication with any one of a variety of different wireless communication devices wherein transmitting data in an encrypted form using a secret key for increased security and privacy (Leon Column 5 lines 56 – 64).

28. Motivation to combine Leon with Flanagin comes from the need to provide secure communication and secure data transfer between the computer and at least one of the networks. Flan themselves provide a discussion of the needed security but are silent as to the specific details of the technical cryptography involved, see Flan Column 4 lines 25 – 64 (especially lines 39 – 46). It would be obvious to one of ordinary skill in the art to combine Flan with Leon because security is needed for the data exchange and because Leon provides some details of how to secure data communication and transfer of encrypted data.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

29. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part

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of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

October 11, 2005.


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